

1.) OUT-OF-SCOPE WORK TO ACCOMPANY REIMBURSEMENT REQUEST – GREE FUND

(DATE)

Rep. Robert G. Holbrook, Chairman
Oil Fund Disbursement Board
c/o NHDES Waste Management Division
29 Hazen Dr. P.O. Box 95
Concord, NH 03302-0095
Attn: Timothy R. Denison

Re: (TOWN), (SITE NAME), Request for Waiver of Odb 601.14 - Work Scope Approval
(DES NO. #####)

Dear Rep. Holbrook,

(OWNER/CONTRACTOR/VENDOR/WATER SUPPLY SYSTEM OWNER) hereby requests a waiver of Odb 601.14, which requires that all corrective action work be pre-approved by DES for scope and cost. Pursuant to Odb 601.27, this waiver is sought under the following circumstances:

1.) A waiver of Odb 601.14 is necessary because work was performed at the site, without pre-approval by DES. Pre-approval could not be obtained because (DESCRIBE THE CIRCUMSTANCES). Specifically (GENERALLY DESCRIBE THE WORK) was performed at a (TOTAL COST) of (DOLLARS). A breakdown of the incremental (time, materials, personnel and equipment) costs for the work is attached to this letter. Although DES did not pre-approve the work, the DES project manager has retroactively agreed that the work was a necessary and reasonable course of action given the site conditions.

2.) In lieu of pre-approval, (OWNER/CONTRACTOR/VENDOR/WATER SUPPLY SYSTEM OWNER) requests that the Board accept certification that the work was performed at a reasonable cost commensurate with similar work, performed under similar circumstances, at other fund-eligible sites. This assertion is supported by the detailed breakdown of the costs for the work attached to this letter.

3.) Granting this waiver request would be consistent with the intent of the statute and rules, as (OWNER/CONTRACTOR/VENDOR/WATER SUPPLY SYSTEM OWNER) is entitled to reimbursement for work recognized as necessary and reasonable by DES. Further, the incremental costs did not exceed the prevailing market rate for goods and services provided to complete the work and (OWNER/CONTRACTOR/VENDOR/WATER SUPPLY SYSTEM OWNER) has not benefited from the work other than for the cleanup of property to its pre-release condition. Costs for work performed in accordance with NHDES rules are reimbursable under the provisions of the fund rules.

Attached to this letter, please find a detailed description and a breakdown of the costs for the work performed without benefit of DES pre-approval, but was otherwise necessary for remedying contamination at the site. We hope that the Board will act favorably on this waiver request. If you have any questions, please call the undersigned at (AREA CODE) (PHONE NUMBER).

Sincerely,

(NAME)
(COMPANY)

Attachments: Description of Work
Cost Detail
cc: (OWNER)